

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GEORGE A. WINKELMAN,)	
)	
Petitioner,)	Case No. 1:11-cv-188-SJM-SPB
)	
v.)	
)	
ARCHIE B. LONGLEY, Warden,)	
)	
Respondent.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on September 2, 2011 and was referred to United States Magistrate Susan Paradise Baxter for a report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on November 28, 2011 [5], recommends that the instant petition for writ of habeas corpus be dismissed prior to service on the grounds that the petition constitutes an abuse of the writ and is subject to dismissal under 28 U.S.C. §2244(a). Petitioner was allowed fourteen (14) days from the date of service in which to file objections. His objections [6] were filed on December 9, 2011. After de novo review of the petition and documents in the case, together with the Report and Recommendation and Petitioner's objections thereto, the following order is entered:

AND NOW, this 16th Day of December, 2011;

IT IS ORDERED that the Petition for Writ of Habeas Corpus shall be, and hereby is, DISMISSED inasmuch as it constitutes an abuse of the writ and/or because it is subject to dismissal under 28 U.S.C. §2244(a).

The Report and Recommendation of Magistrate Judge Baxter, filed on November 28, 2011 [5], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter